

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated April 5, 2004, indicated that claims 1-3, 5 and 8-14 are rejected under 35 U.S.C. § 102(e) over *Little et al.* (U.S. Patent No. 6,204,846); claim 4 is rejected under 35 U.S.C. § 103(a) over *Little et al.* in view of *Mugura et al.* (U.S. Patent No. 5,977,975); claim 6 is rejected under 35 U.S.C. § 103(a) over *Little et al.* in view of *Gibb et al.* (U.S. Patent No. 6,225,996); and claim 7 is rejected under 35 U.S.C. § 103(a) over *Little et al.* in view of *Xia et al.* (U.S. Patent No. 6,252,594).

Applicant respectfully traverses the Section 102(e) rejection. The Office Action fails to present a reference that corresponds to the claimed invention, including limitations at issue in the previous Office Action. In the previous Office Action Response and Amendment filed on January 5, 2004, Applicant amended each of the independent claims to further clarify that the claimed helper character represents both the searching position of data in an ordered list that a user is viewing as well as some of the information, i.e., content, of that portion of the list. The Examiner appears to address only the limitations directed to representing a searching position while neglecting limitations directed to representing information corresponding to the searching position. For example, in the Response to Argument section at page 7, the Examiner asserts that item 156 of the '846 Fig. 7 represents a searching position, but is silent as to how the same arrangement of numbers would correspond to representing "at least some of the information corresponding to the searching position." The claimed helper character represents both aspects of the ordered list; therefore, a *prima facie* Section 102 rejection must include correspondence to both aspects.

The Examiner fails to identify where the '846 reference teaches one helper character that corresponds to both claimed aspects of representation. The Office Action erroneously asserts that these aspects are individually taught by two different pop-up windows in the '846 reference (item 158 of Fig. 13 and item 156 of Fig. 7). The Office Action fails to allege that a single pop-up window teaches both of the claimed aspects; and therefore, fails to allege proper correspondence to the claimed invention.

Moreover, the Examiner erroneously asserts that the '846 arrangement of numbers (Showing 38-63 of 100) corresponds to both aspects of the claimed representation. The claimed helper character must represent both the searching position and information corresponding to the searching position. These are distinct limitations, both of which must be addressed in order to view the claims "as a whole." The '846 arrangement of numbers cannot correspond to both aspects of representation. The asserted arrangement of numbers does not indicate the type of data located at a particular location in a list, merely the subset being displayed, *e.g.*, item numbers 38-63. Further, the claim term "information" is used throughout the application, including the claims, to refer to the information contained in (the content of) an ordered list. The MPEP requires that the claims be read in view of the accompanying Specification. MPEP § 2173.02. The Examiner fails to point out where the '846 reference teaches a helper character representing information corresponding to a searching position and not merely the subset of data being displayed via the location within a numbered list. Without a presentation of correspondence to each of the limitations of the claimed invention, the Section 102 rejection cannot stand. Applicant accordingly requests that the Section 102 rejection be withdrawn.

With specific respect to claim 16, the Examiner fails to assert any correspondence to various aspects of the claim. The Examiner rejected claim 16 "with the same rationale as claim 1." None of the rationale presented in the Office Action, including the rejection of claim 1, asserts any correspondence to limitations directed to, for example, scrolling information at a speed responsive to user actuation and a helper character-generator actuated by continued user actuation. Without even an assertion of correspondence, the Section 102(e) rejection cannot be maintained and Applicant requests that the rejection be withdrawn.

Applicant respectfully traverses each of the Section 103(a) rejections as each of the rejections relies upon the above-discussed deficient '846 reference. Each of the dependent claims (claims 4, 6, 7 and 15) rejected under Section 103(a) include the above identified and discussed independent claim limitations, which are absent from the '846 reference. Thus, each of the Section 103(a) rejections must fail due to a lack of correspondence to the claimed invention.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

Please direct all correspondence to:

Corporate Patent Counsel
Philips Intellectual Property & Standards
1000 West Maude Ave., W2-755
Sunnyvale, CA 94085-2810

CUSTOMER NO. 24738

By: 

Name: Robert J. Crawford

Reg. No.: 32,122

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